

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

ALL CHECKS CASHED, INC. )  
Plaintiff, )  
v. ) C.A. No.: 04-11495-WGY  
 )  
REGISCOPE DIGITAL IMAGING, LLC )  
Defendant )

**JOINT STATEMENT OF THE PARTIES**  
**PURSUANT TO LOCAL RULE 16.1 (D)(1) AND (D)(2)**

The Parties, All Checks Cashed, Inc. (“ACC”) and Regiscope Digital Imaging, LLC (“Regiscope”), hereby submit the following joint statement containing a proposed pretrial schedule:

## 1. Automatic Disclosures

The plaintiff and defendant have commenced the process of complying with the automatic discovery requirements of Local Rule 26.2(A). The parties agree that automatic discovery rules require the production of certain documents without the need for formal document requests. The parties intend to fully comply with all automatic discovery requirements. The Parties will produce no later than November 1, 2004 documents identified in disclosures made pursuant to Local Rule 26.2(A) and 26.1(B) and witness disclosure. Should written document requests be required, the parties request that documents be produced 30 days after said request, unless otherwise agreed.

**2. Joint Discovery Plan (Agreed Upon) Pursuant to Local Rule 16.1(D)**

May 1, 2005 - All written discovery/fact depositions completed.

May 1, 2005 - Plaintiff's expert disclosure.

June 1, 2005 - Defendant's expert disclosure.

July 1, 2005 - All expert discovery and depositions completed.

July 15, 2005 - All dispositive motions filed.

August 15, 2005 - All oppositions to dispositive motions filed.

October 15, 2005 - Final pretrial conference.

November 1, 2005 - Trial.

The Parties each anticipate serving no more than 35 interrogatories and no more than one primary and one follow-up request for production of documents.

The Plaintiff anticipates taking the deposition of the Defendants's representative pursuant to Rule 30(b)6, and no more than six employees of the Defendant. The Plaintiff also anticipates taking the deposition of some or all of the potential witnesses named on its Automatic Disclosure statement.

The Defendant intends to depose:

The Defendant anticipates taking the deposition of the Defendants's representative pursuant to Rule 30(b)6, and no more than six employees of the Plaintiff. The Defendant also anticipates taking the deposition of some or all of the potential witnesses named on its Automatic Disclosure statement.

The parties reserve the right to request additional discovery if the scope of the case broadens, new parties/claims are added, and/or for other good cause shown. In addition, the parties reserve the right to depose any expert witnesses designated pursuant to Fed. R. Civ. P. 26(a)(2). Because of the number of third-party witnesses involved, the parties may not be

able to limit the number of depositions to a total of 10 as provided by Fed. R. Civ. P. 30(a)(2)(A).

**3. Certifications of Counsel and Client**

Both plaintiff and defendant have conferred with their clients and have executed certifications consistent with the requirements of Local Rule 16.1(d)(3), which will be filed separately with the Court.

**4. Agenda of Matters to be Discussed at Pretrial Conference - Rule 16.1(B)**

- (a) The plaintiff: The scheduling of discovery and trial.
- (b) The Defendant: The scheduling of discovery and trial

**5. Trial by Magistrate**

Pursuant to Local Rule 16.1(B)(3), the parties have considered whether they will consent to trial by magistrate judge. At this time, the Plaintiff consents to trial by magistrate. **At the present time, the defendant is not in a position to determine whether or not it will consent to a trial by Magistrate. Thus, at the present time, the defendant does not intend to waive its right to a jury trial.**

**6. Written Offer of Settlement**

Consistent with Local Rule 16.1(C), the Plaintiffs have made a written settlement demand against the Defendant. The defendant is considering a response.

Respectfully submitted,  
ALL CHECKS CASHED, INC.  
By its attorneys,  
  
/s/ Kenneth Gordon  
Kenneth I. Gordon, BBO# 556762  
63 Chatham Street  
Boston, MA 02109  
(617) 742-4602

REGISCOPE DIGITAL.  
IMAGING, LLC,  
By Its Attorneys,  
/s/JosephNoone  
Joseph M. Noone, BBO#  
Avery, Dooley Post & Avery, LLP  
90 Concord Avenue  
Belmont, MA 02478  
(617) 489-5300

Dated: November 1, 2004